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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,956	04/12/2001	Oliver T. Carr JR.	53582.000010	9899

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EXAMINER

MOONEYHAM, JANICE A

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/832,956

Applicant(s)

CARR ET AL

Examiner

Janice A. Mooneyham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2001 and 04 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, and 15-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 15-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to the applicant's communication filed on April 12, 2001 and the Election in Response to the April 4, 2005 Office Action wherein the applicant elected Group 1, claims 1-6 and 15-16 without traverse to prosecute in this application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florance et al (US 6,871,140) (hereinafter referred to as Florance) in view of www.officespace.com (hereinafter referred to as Officespace), in view of www.propertymanagerz.com (hereinafter referred to as Propertymanagerz) and further in view of Foster et al (US 2002/0062277) (hereinafter referred to as Foster).

Referring to Claim 1:

Florance discloses a process for providing a single business network (*Figure 1*) including a plurality of member entities (*Figure 18*), each one of the plurality of member entities being an owner/member of at least one independently owned commercial building (*col. 5, lines 58-61 owner or owner representative; col. 5, lines 15-20 commercial real estate; col. 6, lines 31-32*

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present invention provides a unified, robust, and unbiased Internet marketplace for commercial real estate), the process comprising the steps of:

aggregating the plurality of independently owned commercial buildings under a single identity (Figures 16-17, Figure 18 plurality of owners; Figure 45 property types; col. 1, lines 24-32 a system and method for creating a unified commercial real estate data model; col. 5, lines 15-20 and lines 58-6; col. 61 line 30 thru col. 62, line 26 (CoStar Property/ CoStar Exchange (single identity));

marketing the plurality of commercial buildings on both a regional and nationwide basis under the identity (col. 6, lines 30-31 Internet marketplace for commercial real estate; col. 10, lines 45-59; present invention provides the first national and standardized source for commercial real estate metrics that is comparable between geographic territories; the system provides a foundation for members of the commercial real estate and related business community to do business on a national basis; Figures 46 and 47).

implementing an online listing system to market space available for lease in the buildings and facilitating leasing transactions (col. 7, lines 24-35 an interactive marketplace... including correlating content on for-lease space availability, ...col. 9, lines 23-27 provides the information required to efficiently conduct commercial real estate leasing transactions (reservation); col. 13, lines 58-60 the invention also provides a method and system for listing and brokering a commercial real estate and its financial derivatives).

Florance discloses tenant vendors and services vendors (col. 3, lines 30-39), a tenant information services that enables members of the commercial real

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estate and related business community to identify and market to the tenants who are most likely prospects for the goods and services, capturing the prospects at a lower cost, a unique on-line means to direct advertising to the appropriate decision-makers (*col. 9, lines 50-62*) and most transactions occurring through the use of commercial real estate brokers attempting to create an auction atmosphere (*col. 1, lines 55-62*).

Florance does not explicitly disclose a reservation system or negotiating discounted prices for the purchase of various goods and services on behalf of the buildings and tenants of the member entities; negotiating one or more revenue sharing opportunities on behalf of the buildings from vendors seeking to advertise or display products or services on the commercial office building premises or gain access to the premises to install equipment that may be used in marketing and selling products or services to the tenants nor does Florance disclose implementing an online electronic marketplace transaction platform where a plurality of members can solicit bids for goods and services from one or more vendors.

However, Officespace discloses negotiating discounted prices for the purchase of various goods and services on behalf of the buildings and tenants of the member entities (*page 1 Small Business Office Furniture – “Best Buys” on preselected office furniture; page 8 Officespace.com is please to have teamed up with OfficeFurniture.com to bring to our small business customers terrific savings on preselected furniture items*) and negotiating one or more revenue sharing opportunities on behalf of the buildings from vendors seeking to advertise or

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display products or services on the commercial office building premises or gain access to the premises to install equipment that may be used in marketing and selling products or services to the tenants (*page 1 Tenant Improvement and Equipment Financing; page 6 Commercial Space Online is pleased to have teamed up with Dodd Pacific Capital Resources, LLC, to provide a lease/finance option for TI's, equipment, acquisitions and related products/services – match payments for TI's to the cash flow they help generate.*)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate into commercial real estate method of Florance the discounted prices and revenue sharing of Officespace so as to be able to provide the members with savings on such items as furniture and to provide the tenant with the benefits of using a lease to finance improvements which will keep the tenants from having to provide their own funds to pay for improvements, products and services yet allowing the tenant to receive all of the improvements, products and services they need while remaining within the limits of their budget.

Propertymanagerz discloses implementing an online electronic marketplace transaction platform where a plurality of members can solicit bids for goods and services from one or more vendors (*page 4 Building Owner post online bid request for building maintenance, goods and services; Property Manager post online bid requests for building maintenance, goods and services, review bids from national and local providers; page 6 Building Engineer post online bid requests for essential goods and services with bidding tools. Review and select bids from regional and national goods and services online; page 7*

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Tenant benefit from volume discounts through local and national providers and services for essential materials).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate into the commercial real estate method of Florance the bid solicitation method of Propertymanagerz so that property owners can be able to identify competent and affordable providers of goods and services, streamline the procurement processes, reduce costs, and better serve tenants.

Although Florance discloses a method and system for providing the information required to efficiently conduct commercial real estate leasing transactions, Florance does not specifically disclose a reservation system.

However, Foster discloses a reservation system (*Figures 3b-3c (369) Execute lease agreement in on-line environment; Figures 4b-4c (Form lease) [0046-0060] On-Line Leasing Transactions*).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the reservation engine of Foster with the commercial real estate network of Florance so that once the potential tenant is matched with the property, the lease terms can be efficiently negotiated and executed online, thus closing a lease transaction taking advantage of the communication efficiency and scope of resources available on the Internet.

Referring to Claim 15:

Florance discloses the system comprising:

a data source (*Figure 1 (A10) Data Source (A16) Core Data Warehouse*) including a listing of each commercial buildings owned/managed by each

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member entity (*col. 13, lines 58-60 the invention also provides a method and system for listing and brokering a commercial real estate and its financial derivatives*) wherein the listing includes, a location of each building, an age of the buildings, one or more units available for leasing, a rental price, a square footage amount, and one or more amenities (*col. 18, lines 31-51 square footage, rental price, age of the building; col. 7, lines 4-6 buyers can input various criteria such as price, size, location, and desired vacancy rates and receive a list of available properties*) ; and

a search/retrieval engine for querying the data source based upon one or more input parameters and for selectively retrieving a listing of one or more units available for leasing corresponding to the input parameters) (*col. 6, lines 55-57 search engine that matches property with criteria*).

Florance discloses a digital leasing marketplace that provides the information required to efficiently conduct commercial real estate leasing transactions, both between brokers and between owners and brokers (*col. 9, lines 22-33*) and all of the services can be digitally delivered via the Internet or through other forms of downloads (*col. 10, lines 1-2*).

Florance does not specifically disclose a reservation engine.

However, Foster discloses a reservation engine (*Figures 3b-3c (369) Execute lease agreement in on-line environment; Figures 4b-4c (Form lease)*).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the reservation engine of Foster with the commercial real estate network of Florance so that the once the potential tenant is matched

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with the property, the lease terms can be efficiently negotiated and executed online, thus closing a lease transaction taking advantage of the communication efficiency and scope of resources available on the Internet.

Referring to Claim 16:

Florance discloses the marketing step includes the sub-steps of:

(a) placing advertisements (*Figure 3 Marketing to Corporations , Marketing to Professionals; col. 40, lines 4-26, Figures 6-7, 9, 12; col. 9, lines 50-62 on-line property marketing provides a unique online means for the commercial real estate and related business community to direct advertising to the appropriate decision-makers. This benefits users by providing increased distribution, higher visibility, and more cost effective way to reach targeted audience; tenant information services enable members to identify and market to the tenants who are the most likely prospects for their goods and services*); and

(b) launching an Internet web site accessible to a plurality of potential tenants (*col. 6, lines 31-42, col. 9, lines 50-55 present invention provides a unified, robust, unbiased Internet marketplace; tenant information database of information about tenants to allow users to identify and target the most likely tenants to lease space; Figures 16-18*).

While Florance discloses advertising, Florance does not specifically identify advertising in a publication or that the content of the advertisement is related to the plurality of benefits a potential tenant might realize through leasing from one of the member entities.

However, the Examiner takes Official Notice that it is old and well known to place advertisements in publications, especially industry publications, and advertisements generally convey to the reader the benefits of a product or service as is evidenced by the attached dictionary definition of the work "advertise" retrieved from the Merriam-Webster Online Dictionary (*advertise –to announce publicly especially by a printed notice or a broadcast; to call public attention to especially by emphasizing desirable qualities so as to arouse a desire to buy or patronize*).

Therefore, it would have been obvious at the time of the invention to combine advertising the benefits that a potential tenant might realize by leasing from one on the member entities in a publication with the commercial real estate network of Florance so as to attract more tenants, thus facilitating more transactions.

3. Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florance, Officespace, Propertymanagerz and Foster as applied to claim 1 above, and further in view of "Real Estate Companies Set Sites on the Internet" by Sean Meyers (hereinafter referred to as Meyers).

Referring to Claim 2:

Neither Florance, Officespace, Propertymanagerz, nor Foster disclose identifying a potential member entity of the business network through at least one of a referral by an existing member entity, a referral from a third-party vendor or a review of a real estate database including commercial office space listing.

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However, Meyers discloses CoStar having a database on every building in a marketplace, whether or not it has space available, whether or not it is fully leased, owner-occupied, or under construction and that the company extracts the information it wants, whether the broker cooperates or not (thus you become a member of the database whether you want to or not) (page 2, paragraphs 4 and 8).

It would have been obvious to one of ordinary skill at the time of the invention to incorporate into the disclosure of Florance, Officespace, Propertymanagerz and Foster the complete database taught in Meyers because of the advantage of being able to offering complete commercial real estate information and services to tenants, thus becoming a more dominant central clearinghouse.

Referring to Claim 3:

Officespace.com discloses that it researches, compiles, and publishes basic building information (size, year build, number of floors, address and leasing company) and detailed information regarding specific spaces available (floor, size, asking rate, and comments) or all major buildings in a particular market without charge. They then solicit landlords and leasing agents to enhance their information and encourage frequent users to join as members and support their efforts for a nominal membership fee (page 29 second paragraph).

Officespace.com does not explicitly disclose meeting with a potential member entity of the business network after identifying the potential member entity in order to give a presentation concerning the benefits of affiliation with the

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business network. However, the word "solicit" means "to plead for something or to try to get something by making insistent request or pleas" (see attached definition). A presentation is defined as "something set forth for the attention of the mind, a descriptive or persuasive account, as by a salesman of a product" (see attached definition). Thus, solicitation of members often is in the form of a presentation and a solicitation would certainly include a presentation of the benefits that affiliation with the network would be able to provide.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the solicitation of members as taught by Officespace with the commercial real estate network of Florance so as to gain new members and to provide revenue by membership fees to maintain the network.

Referring to Claim 4:

Florance discloses a participation agreement to the potential member entity for execution by the potential member entity (*col. 42 lines 64-67 for properties worth more than \$5 million, there is preferably a contractual arrangement between the system cooperator and the seller's broker specifying, among other things, a non-disclosure agreement*).

Referring to Claim 5:

Florance discloses completing a detailed assessment of the member entity's commercial office buildings (*Figure 1 (A48) Assessment Information Application; col. 6, lines 31-42 the system includes a database detailing office and industrial space in the subject market that is comprehensive, accurate and up-to-date; Figures 59-68; col. 9, lines 35-49; col. 18, lines 21-51*).

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Referring to Claim 6:

Officespace discloses assessing the new member entity an annual membership fee based on a total square footage of commercial building owned or operated by the entity, a percentage of gross revenues derived from the property, or some other metric associated with the commercial building
(Officespace.com pages 3-4 discloses membership and membership fees; page 24 –enhanced Listings range in cost, depending on property type and size.)

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Meredith Cohn discloses that CoStar began collecting commercial real estate information in 1987 and they maintain a staff of researchers that verify the information and collect some of their own information from court and other records.

Jacobson, et al discloses an online real estate information aggregation method and system for supporting real estate transactions.

Pianin discloses an on-line property management environment for managing commercial real estate by providing access to multiple real estate services.

Florence et al discloses a unified commercial real estate model with communication and analytical tools that interface with the commercial real estate database and support commercial real estate transactions between parties.

Marti Benedetti discloses that the preference a for full service international brokerage service grows as customers prefer a single source to find the right kind of commercial space anywhere in the world.

Greenlee et al discloses a property leasing system including a transaction management application with property databases for storing data supplied by property providers and property users.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janice A. Mooneyham whose telephone number is (571) 272-6805. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Jan Mooneyham", with a long horizontal stroke extending to the right.

Jan Mooneyham
Patent Examiner
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